

Notice of Allowability

Application No.

10/761,804

Applicant(s)

KHANUJA ET AL.

Examiner

Art Unit

Qiuwen Mi

1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/29/07.
2. ☒ The allowed claim(s) is/are 1-10 and 12-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clifford J. Mass on 7/9/07.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1 (currently amended) An antifungal formulation comprising a garlic extract in propylene glycol, essential oil of *M. spicata* var. Ganga, and cinnamon oil, said garlic extract and essential oil of *M. spicata* and cinnamon oil being present in the formulation in respective amounts effective to provide the formulation with synergistic anti-dermatophytic activity.

Claim 2 (previously presented) A formulation as claimed in claim 1 further comprising a base, wherein the base is prepared by mixing stearyl alcohol, cetyl alcohol and propylene glycol at 70-

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75°C over a water bath and cooling down the preparation with constant stirring up to ambient temperature and then curing for 48 hours in a covered beaker with occasional mixing.

Claim 6 (previously presented) A formulation as claimed in claim 1 wherein the cinnamon oil is present in a concentration in the range of 0.01% - 0.8%.

Claim 9 (previously presented) A formulation as claimed in claim 1 wherein the respective amounts of the garlic extract and oil provide the formulation with synergistic anti-dermatophytic activity against dermatophytic fungi selected from the group consisting of *Candida*, *Trichophyton*, *Microsporum* and *Epidermophyton*.

Claims 11 and 12 (cancelled).

Claim 16 (withdrawn) A method as claimed in claim 15 wherein the formulation comprises a base prepared by mixing stearyl alcohol, cetyl alcohol and propylene glycol at 70-75°C over a water bath and cooling with constant stirring up to ambient temperature and then curing for 48 hours in a covered beaker with occasional mixing.

Claim 17 (withdrawn/currently amended) A method as claimed in claim 15 wherein the garlic extract is present in an amount of 1-3% and wherein the formulation comprises a base and menthyl acetate or geraniol is added to the base at a temperature of 30-35°C.

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Claim 19 (withdrawn) A method as claimed in claim 15 wherein the essential oil of *M. spicata* var. Ganga is present in a concentration in the range of 2% - 5%.

Claim 20 (withdrawn) A method as claimed in claim 15 wherein the cinnamon oil is present in a concentration in the range of 0.01% - 0.8%.

Claim 24 (withdrawn) A method as claimed in claim 15 wherein the formulation is active against dermatophytic fungi by making ~~the~~a sterol non-available for cell membrane biosynthesis.

Claim 26 (withdrawn) A method as claimed in claim 15 wherein the antifungal formulation is active against dermatophytic fungi and the antifungal formulation shows clearing of ~~the~~a fungal culture indicating clear lysis.

Claims 1-10 and 13-28 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qiuwen Mi whose telephone number is 571-272-5984. The examiner can normally be reached on 8 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia Leith/

Patricia Leith

Primary Examiner

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